

35 U.S.C. 103(a) as being unpatentable over Lienert in view of Davis and further in view of Reedy (US 5707571).

Davis does not qualify as prior art because applicant's priority date is prior to the filing date of Davis. Davis was filed on December 30, 2003, and applicant has a priority claim to German Application No. 103 08 582.3, which was filed on February 27, 2003. A certified copy of the Priority Document was filed with the present application. A certified translation of the Priority Document is attached hereto. Thus, applicant respectfully requests that all rejections involving the Davis reference be withdrawn.

Further, claim 22 recites the steps of applying a plastic film onto a reverse side of a film-like exterior covering; hardening the plastic film; applying a back-foamed layer on top of the hardened plastic film; and adding fibers to the back-foamed layer. Lienert and Davis do not disclose, suggest, or teach this combination of features.

Lienert identifies a problem with bond strength between plastics and metals. Lienert solves this problem by using a plastic film as an adhesion promoter to improve adhesion of plastics to metal.

Davis discloses the use of multiple layers (see Example 1) that are formed during a co-extrusion process. This leads to a laminate consisting of three layers with a total thickness of 30-55 mils, i.e. about 1.25 mm. This laminate is subsequently back-foamed by a long fiber reinforced injection molding process. The laminate is thick enough to prevent the fibers from forming imperfections in the exterior surface of the cover. Thus, Davis teaches that fibers can be used in combination with a thick laminate structure that is comprised of multiple layers.

The examiner argues that it would be obvious to modify Lienert to include the fibers of Davis to reinforce the panel. However, there is no indication in Lienert or Davis that adding fibers to Lienert would be beneficial for Lienert. Lienert does not disclose the use of a thick laminate such as that disclosed in Davis. Thus, adding fibers to Lienert would result in the very problem identified in the present invention at paragraph [5], i.e. imperfections in the exterior surface of the panel.

Lienert discloses that the plastic film promotes adhesion. There is no disclosure that this plastic film is capable of prohibiting fibers from causing imperfections on an exterior surface of a panel. The only disclosure of this is found in applicant's disclosure, which cannot be used as a motivational basis for modifying Lienert with Davis. The examiner is clearly engaging in a hindsight reconstruction of the claimed invention, using applicant's structure as a template and selecting elements from the references to fill the gaps. The references themselves do not provide any teaching whereby applicant's combination would have been obvious.

Claims 26 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lienert in view of Melchert (US 4544126). Claim 26 recites the step of applying a plastic film onto a reverse side of a film-like exterior covering, wherein the film-like exterior covering is disposed in an open foam die, and wherein the steps of applying the plastic film, hardening the plastic film, and applying the back-foamed layer are conducted in the open foam die. The examiner admits that Lienert does not disclose this combination of features.

The examiner argues that Melchert discloses an exterior covering that is disposed in an open foam die wherein the step of applying the back-foamed layer comprises molding the back-foamed layer against the upper mold half to form varying thicknesses. Applicant respectfully

asserts that Melchert does not disclose an application of a back-foamed layer in an open foam die.

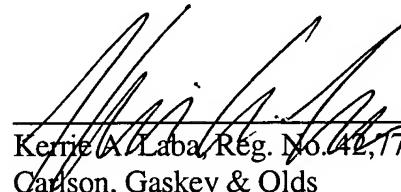
Instead, Melchert describes: “a female cavity mold containing an interior mold surface for shaping the exposed surface of the foam article is constructed as the common base mold body. This female base mold has a flat mating surface around the periphery of the cavity for sequentially sealing against a second and a third mold member when such mold members are alternately placed on top of the base mold.” See col. 1, lines 59-66. Thus, Melchert discloses a process where foaming is conducted in a closed mold. As such, neither Lienert nor Melchert disclose, suggest, or teach the features of claims 26 and 28.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lienert in view of Melchert and further in view of Belanger (US 5612117). For the reasons set forth above, neither Lienert nor Melchert disclose, suggest, or teach the claimed invention. Belanger does not make up for the deficiencies of Lienert and Melchert.

Applicant asserts that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary,

however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



Kerrie A. LaBa, Reg. No. 42,771
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of November 2005.



Laura Combs